



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 2, 1998

Ms. Sharon R. Sela  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-2348

Dear Ms. Sela:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118609.

The Dallas Police Department (the "department") received a request for two offense reports. The department has released one of the offense reports, but you assert that the other report is excepted from disclosure under section 552.108 of the Government Code.

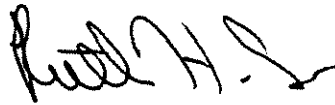
Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report, including a detailed description of the incident. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Although this information is generally found on the front page of an offense report, its location is not determinative and it must be released regardless of where it is located. To determine what information must be released, the type of information must be examined rather than where it is located. See Open Records Decision No. 127 at 5 (1976).

Since you assert that there is a pending criminal case, we agree that section 552.108(a)(1) protects the offense report at issue, except for the front page offense report information. Open Records Decision No. 216 at 3 (1978) (release of information during

pending criminal case would interfere with prosecution of crime and law enforcement interests). The front page information must be disclosed, but the remaining portion of the report may be withheld from disclosure. We note that the department also has discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written over a horizontal line.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 118609

Enclosures: Submitted documents

cc: Ms. Karla Mendoza  
3233 South Vernon, # 602  
Dallas, Texas 75224  
(w/o enclosures)